

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- December 15, 1965

Appeal No. #8502 Burman Properties, Inc., Appellant

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and unanimously carried, the following Order was entered on December 22, 1965.

ORDERED:

That the appeal to provide accessory off-street parking on the rear R-2 portion of parcel 175/138 to serve restaurant on front of said parcel at adjoining 3815 Minnesota Avenue, NE., parcel 175/138, square 5050, be granted.

As a result of an inspection of the property and from the records and evidence adduced at the hearing, the Board finds the following facts:

1. Appellant's property is located in the C-3-A District for a distance of approximately 150 feet parallel to Minnesota Avenue, the balance of the property in the rear being in the R-2 District. The property has a frontage on Minnesota Avenue of 115.26 feet. The property contains an area of 25,317 square of land.

2. Appellant proposes to erect a Hot Shoppe Junior Restaurant on the commercial portion of the property with accessory off-street parking on both the commercial and residential portions of the property. Appellant will provide 68 off-street parking spaces with 20 of these spaces either in or partially in the R-2 District.

3. This restaurant will be contained in the building itself with no outside service. It will be a carry-out shop with thirty-two seats inside. Appellant will screen the property running from Minnesota Avenue back to the R-2 portion and screen the additional property which abuts the R-2 District.

4. There was a large petition filed in opposition to the granting of this appeal by persons residing on Ames, Burns, Blaine, Clay and East Capitol Streets and Anacostia Road. This petition states that this restaurant with the parking will adversely affect the value of homes in the immediate vicinity; that the general community would be adversely affected by the behavior of clients of the restaurant and that further expansion of commercial interests would represent usurpation of private home development.

OPINION:

It is the opinion of the Board that if this accessory parking is properly developed it will not adversely affect the residential neighborhood and will aid in the upgrading of the commercial area.

Therefore, the Board grants its approval of this accessory parking for a one year trial period subject to the following conditions:

- (1) Appeallant shall erect a 6 foot high brick wall around the entire R-2 portion of the lot.
- (2) There shall be no access to the alley.
- (3) The parking area shall be properly surfaced and drained.
- (4) Any lighting installed in connection with this lot shall be so arranged that it will not cause glare into adjoining property.

Occupancy permit shall not be issued until all conditions of this Order are met and complied with. Further, the Board reserves the right to direct revocation of the of the occupancy permit upon proper showing that any terms or conditions of this Order have been violated.